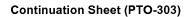
Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | |
|-----------------|------------------|--|
| 10/606,948 | ZETTINGER ET AL. | |
| Examiner | Art Unit | |
| IAN N. MOORE | 2463 | |

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| The MAILING DATE of this communication appe | ars on the cover sheet with the o | correspondence address |
| THE REPLY FILED 02 October 2009 FAILS TO PLACE THIS A | PPLICATION IN CONDITION FOR | R ALLOWANCE. |
| 1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appelor Continued Examination (RCE) in compliance with 37 C periods: | replies: (1) an amendment, affidavi eal (with appeal fee) in compliance | t, or other evidence, which places the with 37 CFR 41.31; or (3) a Request |
| a) The period for reply expiresmonths from the mailing | date of the final rejection. | |
| b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (| ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE | g date of the final rejection. |
| MONTHS OF THE FINAL REJECTION. See MPEP 706.07(i Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL | on which the petition under 37 CFR 1.1 ension and the corresponding amount hortened statutory period for reply origi | of the fee. The appropriate extension fee nally set in the final Office action; or (2) as |
| 2. The Notice of Appeal was filed on A brief in comp | liance with 37 CFR 41 37 must be | filed within two months of the date of |
| filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi AMENDMENTS | nsion thereof (37 CFR 41.37(e)), to | avoid dismissal of the appeal. Since a |
| 3. The proposed amendment(s) filed after a final rejection, k (a) They raise new issues that would require further cor (b) They raise the issue of new matter (see NOTE belowed) | nsideration and/or search (see NO | |
| (c) They are not deemed to place the application in bet appeal; and/or | ter form for appeal by materially red | |
| (d) ☐ They present additional claims without canceling a c NOTE: (See 37 CFR 1.116 and 41.33(a)). | corresponding number of finally reje | ected claims. |
| 4. The amendments are not in compliance with 37 CFR 1.12 | 21. See attached Notice of Non-Co | mpliant Amendment (PTOL-324). |
| 5. Applicant's reply has overcome the following rejection(s): | | , |
| 6. Newly proposed or amended claim(s) would be all non-allowable claim(s). | | |
| 7. For purposes of appeal, the proposed amendment(s): a) [how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: | | I be entered and an explanation of |
| AFFIDAVIT OR OTHER EVIDENCE | | |
| The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). | | |
| The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary | vercome <u>all</u> rejections under appea | al and/or appellant fails to provide a |
| 10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER | n of the status of the claims after e | ntry is below or attached. |
| The request for reconsideration has been considered but see attached. | t does NOT place the application in | n condition for allowance because: |
| 12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (13. ☐ Other: | PTO/SB/08) Paper No(s) | |
| | /lan N. Moore/ | |
| | Primary Examiner, Art U | Init 2463 |
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Application No.